CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
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ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

2016 NOV -1 PM 4:44

DEPUTY CLERK RAN

UNITED STATES OF AMERICA

v.

JERRY WAYNE SMITH

No.

3-16CR-481-N

INDICTMENT

The Grand Jury Charges:

Count One
Transporting and Shipping Child Pornography
(Violation of 18 U.S.C. § 2252A(a)(1))

On or about September 24, 2016, in the Dallas Division of the Northern District of Texas, the defendant, **Jerry Wayne Smith**, knowingly transported and shipped child pornography using a means and facility of interstate and foreign commerce, and in and affecting interstate and foreign commerce by any means, including by computer. Specifically, he used his Kik account and the Internet to send and transmit files of minors engaged in sexually explicit conduct and the lewd and lascivious exhibition of the genitals of minors, as defined in 18 U.S.C. § 2256, including the following described image files:

File Name	File Description
2159abbf-ae97-42ac-99a8-7012a9c90032	Image file depicting a nude prepubescent female child who is lying on her back on a blue pillow and red bedcover. A nude adult male is between the legs of the prepubescent female child and he is holding the child's legs open. The erect penis of the adult male is penetrating the

	genitals of the prepubescent female child.
a981eb04-2047-4fc3-9c97-57ea0b3e5d86	Image file depicting a nude prepubescent female child who is sitting on wood flooring and leaning back up against the wall. The legs of the prepubescent female child are spread open exposing her genitals in a lewd and lascivious manner.

In violation of 18 U.S.C. § 2252A(a)(1).

Count Two
Receipt of Child Pornography
(Violation of 18 U.S.C. § 2252A(a)(2)(A))

On or about June 8, 2016, in the Dallas Division of the Northern District of Texas, the defendant, **Jerry Wayne Smith**, did knowingly receive any child pornography, as defined in 18 U.S.C. § 2256(8), shipped and transported in and affecting interstate or foreign commerce by any means, including by computer. Specifically, the defendant, **Jerry Wayne Smith**, using his Apple iPhone, received the following visual depiction of a minor engaged in sexually explicit conduct and the lewd and lascivious exhibition of the genitals of a minor:

File Name	**File Description**
680df369-5566-4511-8fca-2fc6b6f22594	Image file depicting a prepubescent female child who is lying on her back between two older females. The legs of the prepubescent female child are spread open exposing her genitals in a lewd and lascivious manner. One older female wearing a pink shirt is holding a white sexual device against the genitals of the prepubescent female child.

In violation of 18 U.S.C. § 2252A(a)(2)(A).

Count Three
Possession of Prepubescent Child Pornography
(Violation of 18 U.S.C. § 2252A(a)(5)(B))

On or about October 4, 2016, in the Dallas Division of the Northern District of Texas, the defendant, **Jerry Wayne Smith**, knowingly possessed material which contains images of child pornography, as defined in 18 U.S.C. § 2256(8), that involved prepubescent minors or minors who had not attained 12 years of age, and which had been shipped and transported using any means and facility of interstate and foreign commerce, including by computer or was produced using materials that had been mailed, shipped, or transported in interstate or foreign commerce by any means, including by computer. Included on his Apple iPhone are the following image files:

File Name	**File Description**
04723e4c-8b37-4b0b-b099-9efb5ad28d91	Image file depicting a prepubescent female child who is wearing some clothing and is lying on her back on the floor. The mouth, wrist, and legs of the prepubescent female child are bound with white tape and her legs are spread apart exposing her genitals in a lewd and lascivious manner.
0a4a661f-d4c7-4fd0-b45d-7496fcaf193e	Image file depicting a nude prepubescent female child who is on her knees on a bed. A nude adult male can be observed lying on his back under the prepubescent female child. A second male can also be partially observed in the image. The mouth of the prepubescent female child is being penetrated by the erect penis of one adult male and the genitals of the prepubescent female child are being penetrated by the erect penis of the second adult male.
397122d1-ebea-488b-8f42-bd908a59c86c	Image file depicting an infant who appears to be nude and is lying on their back. A partially clothed adult male can be

	observed in close proximity to the infant. The erect penis of the adult male is penetrating the mouth of the infant.

In violation of 18 U.S.C. § 2252A(a)(5)(B).

Count Four
Possession of Prepubescent Child Pornography
(Violation of 18 U.S.C. § 2252A(a)(5)(B))

On or about October 13, 2016, in the Dallas Division of the Northern District of Texas, the defendant, **Jerry Wayne Smith**, knowingly possessed material which contains images of child pornography, as defined in 18 U.S.C. § 2256(8), that involved prepubescent minors or minors who had not attained 12 years of age, and which had been shipped and transported using any means and facility of interstate and foreign commerce, including by computer or was produced using materials that had been mailed, shipped, or transported in interstate or foreign commerce by any means, including by computer. Included on his Dell laptop computer, model number PP18L, containing a Western Digital 160GB Hard Drive, serial number WXE409KV9585, which contains the label "Product of Malaysia," were the following video files:

File Name	File Description
!!(~pthc center~)(opva)(2014) push it in sex play 9yr girl.avi	Video file depicting a collage of still images of multiple prepubescent female children whose mouths and genitals are being penetrated by the fingers and erect penis of an adult male.
(yamad) hussyfan(pt)`;` 1hannah forced a7.3gp	Video file depicting a prepubescent female child who is wearing a light colored shirt and whose panties are pulled down to her knees. The hand and arm of a person can be observed in the video lifting her shirt to expose her genitals in a lewd and lascivious manner. The person then turns the prepubescent female child away from the camera and bends her over a blue recliner and uses his hand to expose her anus in a lewd and lascivious manner.
0_video 08-07-2015 07 31 36.mp4	Video file depicting a nude prepubescent female child who is lying on her back on a

	bed. An adult female is observed in the video holding one leg of the prepubescent female child open to expose the genitals of the prepubescent female in a lewd and lascivious manner. The adult female is then observed leaning over the prepubescent female child and penetrating the genitals of the child with her tongue.

In violation of 18 U.S.C. § 2252A(a)(5)(B).

Notice of Forfeiture
(18 U.S.C. § 2253(a)(1) and (3))

Upon conviction of any or all of the offenses alleged in this information and pursuant to 18 U.S.C. § 2253(a), the defendant, **Jerry Wayne Smith**, shall forfeit any visual depiction described in 18 U.S.C. § 2252 and § 2252A and (a) any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped, or received in the respective offense; (b) any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from the respective offense; and (c) any property, real or personal, used or intended to be used to commit or to promote the commission of the respective offense and any property traceable to such property.

The above-referenced property subject to forfeiture from the defendant includes, but is not limited to the following items seized from Jerry Wayne Smith or his residence in Johnson County: an Apple iPhone and a Dell laptop computer, model number PP18L, containing a Western Digital 160GB Hard Drive, serial number WXE409KV9585.

A TRUE BILL

FOREPERSON

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UNITED STATES ATTORNEY

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3-16CR-481-N

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INDICTMENT

18 USC §§ 2252A(a)(1)
Transporting and Shipping Child Pornography

18 USC §§ 2252A(a)(2)(A)
Receipt of Child Pornography

18 USC §§ 2252A(a)(5)(B)
Possession of Prepubescent Pornography

18 USC §§ 2253(a)(1) and (3)
Forfeiture Notice

4 Counts

A true bill rendered

DALLAS FOREPERSON

Filed in open court this 1st day of November, 2016.

Defendant in Federal Custody since : August 24, 2016

UNITED STATES MAGISTRATE JUDGE
Magistrate Court Number: 3:16-MJ-00820-N